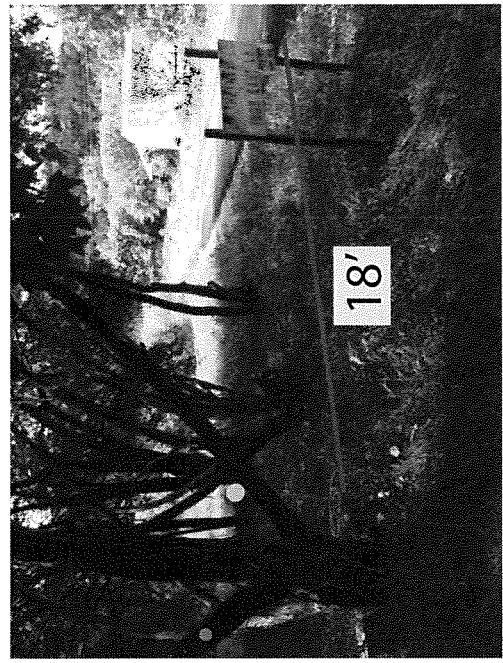


# Picture Evidence of Hardship

Shown below are pictures taken on site. (shown from right to left) The first picture shows the 18' distance from the road to the start of the property line. The following picture shows the distance from the start of the property line to the requested 15' variance line. The final picture of the three shows the distance from the 15' line to the creek. You can clearly see that if we had to go 40' back (as this lot is now zoned in "LA") there is no way it would be possible to build. You can also see the open buildable area is farther up on the lot and that the farther back you go the more trees the house will affect/harm. Also you can see from these pictures that there is still massive setback achieved from the road to the house with the requested 15' setback. Pink dots indicate common limbs from picture to picture. Orange dots indicate tops of posts.

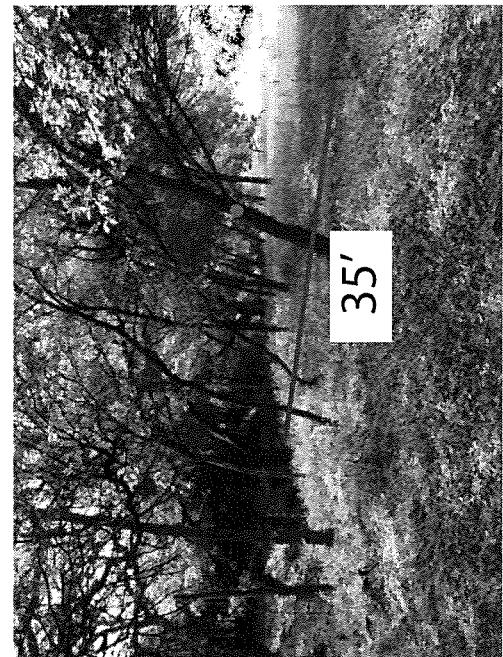
(1)



(2)



(3)



C15-2015-0066  
1509 East Lane

## What is Being Requested and Why

The lot at 1509 East In. in the Lake Austin Village subdivision was originally platted for 15' setback throughout the subdivision. Now, however, the lots are zoned (LA) which, as you know, means they are subject to a 40' setback. This 40' setback renders the lots unbuildable due to a wet weather creek that runs through the property as well as varying sizes of protected oak trees. Evidence of these problems is provided on the following pages. We are requesting that we be granted the original deeded 15' setback, as every other house in the subdivision is built this way. Also from the property to the road is 18', this combined with our requested 15' is still 33' from the road.

## Variance Justification and Hardship Summary

-Recent Zoning changes to the area that were meant for other lots (not interior lots) cause these lots to be unreasonably unbuildable. It is clear to see that these lots were never meant to be zoned with a 40ft setback, but with the original deeded 15' setback.

-While one might think that these are 100'+ lots and have plenty of buildable space, that is just not the case. There is a wet weather creek that splits the lot almost in half that when combined with the 40' setback makes it unbuildable.

-One might also think that since it is just a wet weather creek and not an actual creek that you could just build across it. This is not possible as there is a protected oak on the creek bank of each of the 3 lots that make up the plot that is 1509 east lane.

-The neighborhood setback average also justifies what we are requesting as it averages 15' throughout (supporting documents provided).

-This committee already granted a 15' setback variance to the lots directly across from this property, we are asking the same setback (not less like is needed) so that 1509 East lane does not get an unfair, shorter setback. We even had to turn the house plan Horizontal to make it fit WITH the requested 15' variance.

-The property line is already 18' from the road (shown in supporting documents) and if you add on our requested 15' setback, this puts the house 33' from the road (still accomplishing intended purpose of original setback).

## Setbacks

Shown in the below chart is the difference in setback, impervious cover, and lot size. The only change we are requesting is the front setback requirement (highlighted cell). As you can see the LA zoning Requires more than double our requested front setback.

|                | Front | Side | Back | Impervious | Minimum Lot |
|----------------|-------|------|------|------------|-------------|
| Requested 1509 | 15'   | 10'  | 20'  | 12.7%      | 19.840      |
| Deeded         | 15'   | 5'   | 5'   |            |             |
| LA             | 40'   | 10'  | 20'  | 35%        | 43.560      |

Inbox (277) · m.kyle.jones@gmail.com · Gmail · [www.austintexas.gov/sites/default/files/files/Planning/zoning\\_guide.pdf](http://www.austintexas.gov/sites/default/files/files/Planning/zoning_guide.pdf)

an individual owner, the request should not result in spot zoning.

- Granting a request for zoning should result in an equal treatment of similarly situated properties.
- Granting the zoning should not in any way set an undesirable precedent for other properties in the neighborhood or within other areas of the city.
- Zoning should allow for a reasonable use of the property.
- Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.
- Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.
- Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.

1509 East Lane

12:12 PM (3 minutes ago)

Kellogg, Eben

to me, Leanne

Matt Jones for Mark Haymes  
1509 East Lane  
Lot 19, 20 & 21  
Lake Austin Village  
Vol. 19, Page 88  
O.P.R.T.C.TX

Dear Mr. Jones,

April 2, 2015

Austin Energy (AE) has reviewed your application for the above referenced property, requesting a variance from the front yard setback (40') required, to 15' ft. requested, in the LA zoning district, in order to construct a structure at the above address. Austin Energy does not oppose this application for the said variance, which is shown on the attached electronic stamped sketch, provided that any proposed and existing improvements to the above referenced property, are in compliance with Austin Energy clearance criteria requirements, the National Electric Safety Code and OSHA. Any removal or relocation of existing electric facilities will be at owners/applicants expense.

Thank you for contacting Austin Energy and if you have any further questions, please feel free to contact our office

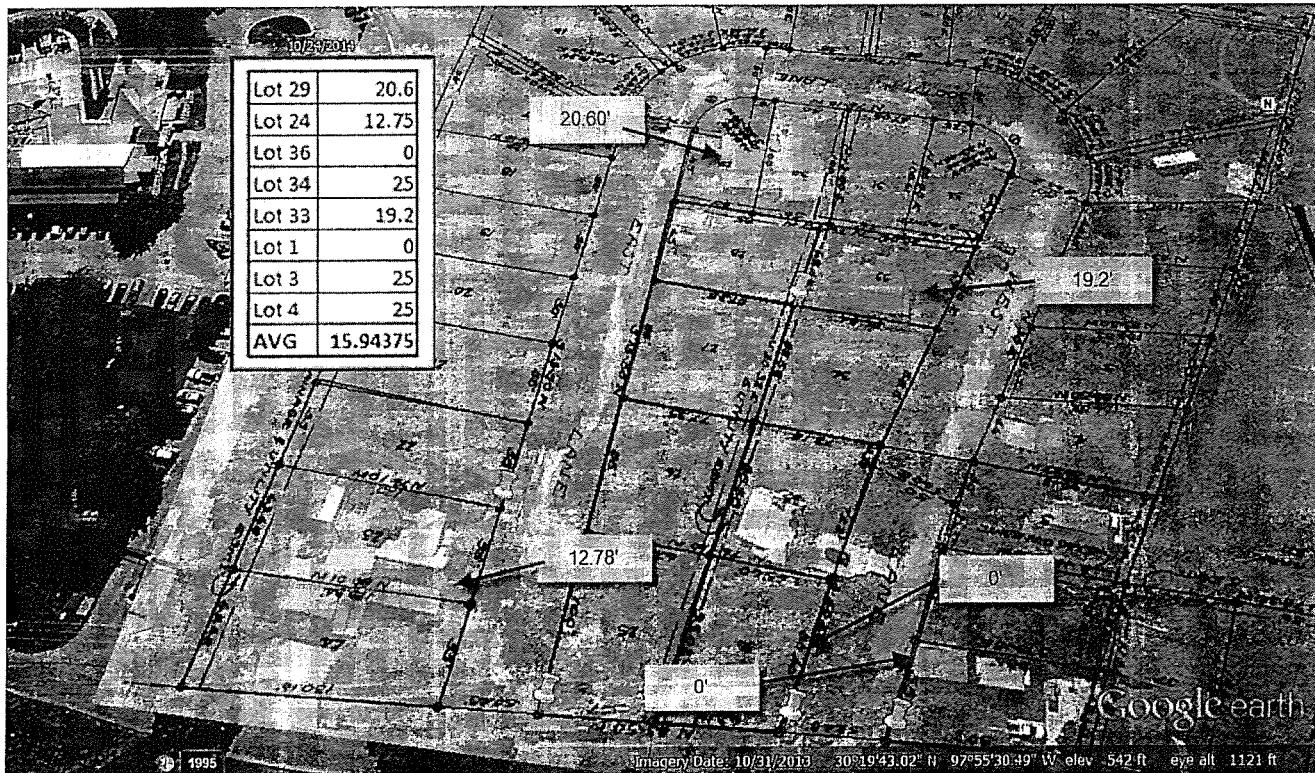
Eben Kellogg  
Austin Energy  
Public Involvement | Real Estate Services  
2500 Montopolis Drive  
Austin, TX 78741  
512.322.6050



AE\_BOA\_201504...

## Neighborhood averaging justifies a variance

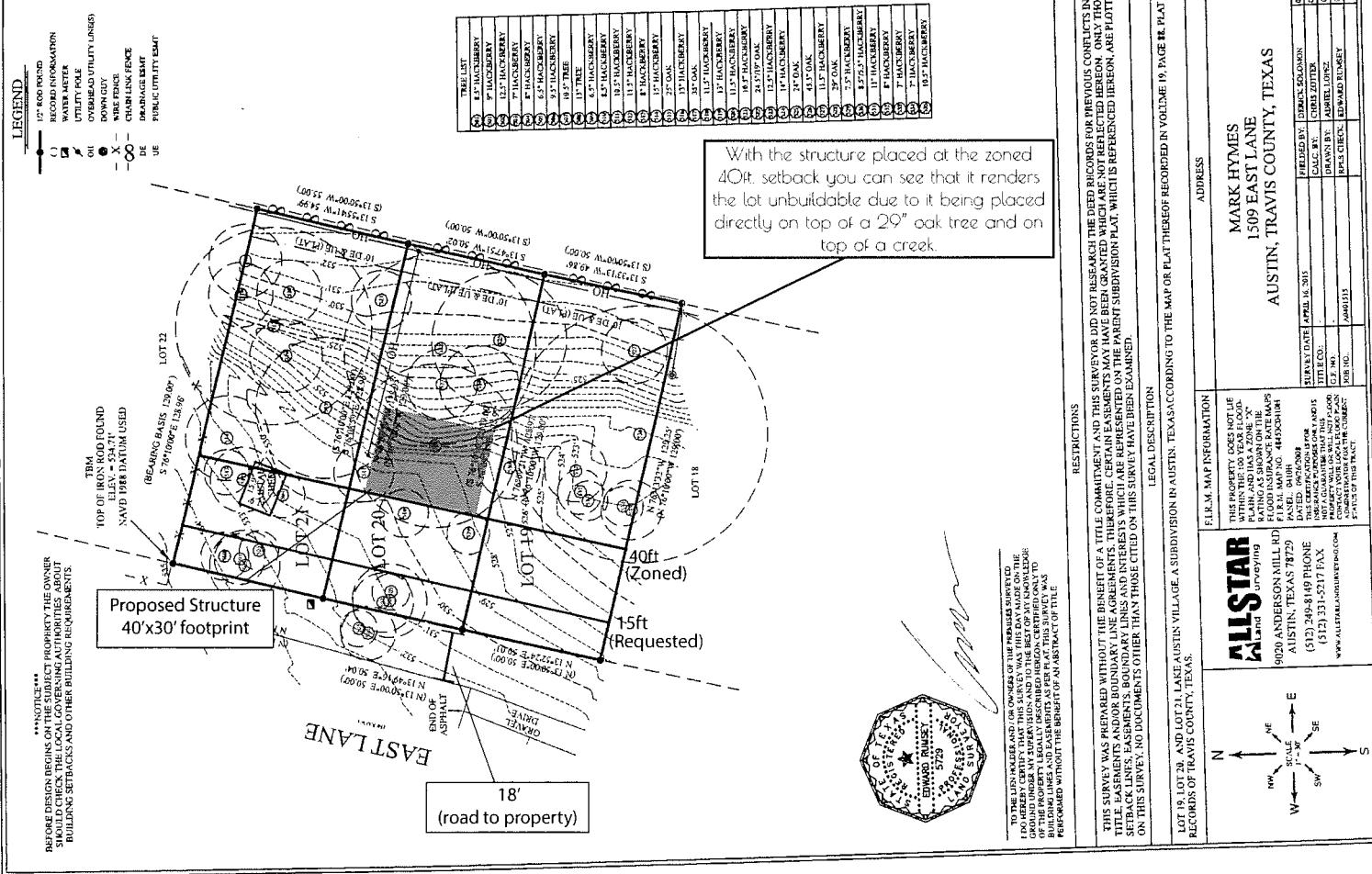
Average setback is 15.94'



### The setback according to the deed on file

7. Minimum setback lines shall be as follows: No residential structure shall be located nearer the front line than 15 ft., or nearer the side street line than 10 ft., nor nearer the side or rear lot line than 5 ft. Detached garages, carports, and storage buildings may be located within 3 ft. of side lot line and within 5 ft. of rear lot line. The exception being lot 36, on which there is an existing structure. Construction must be completed within one year after starting.

**House Bill 1704 protects the 15' front, 5' side and 5' back setbacks provided in the Deed**





# Planning and Development Review Department

## TREE AND NATURAL AREA PRESERVATION

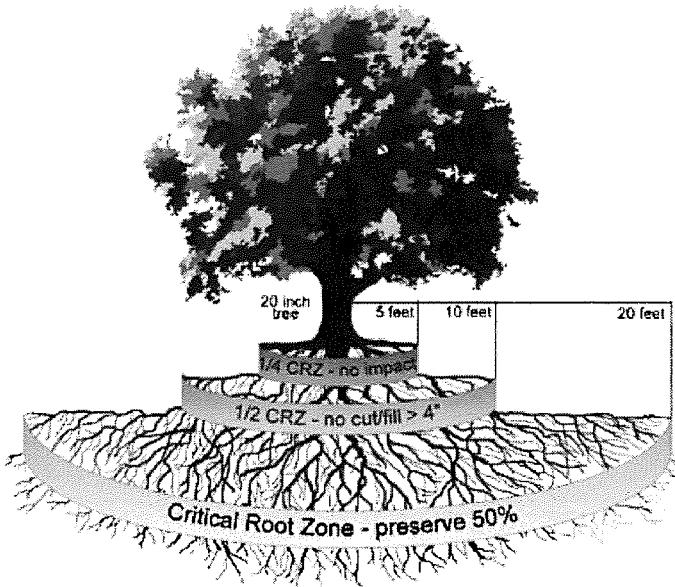
### The Critical Root Zone

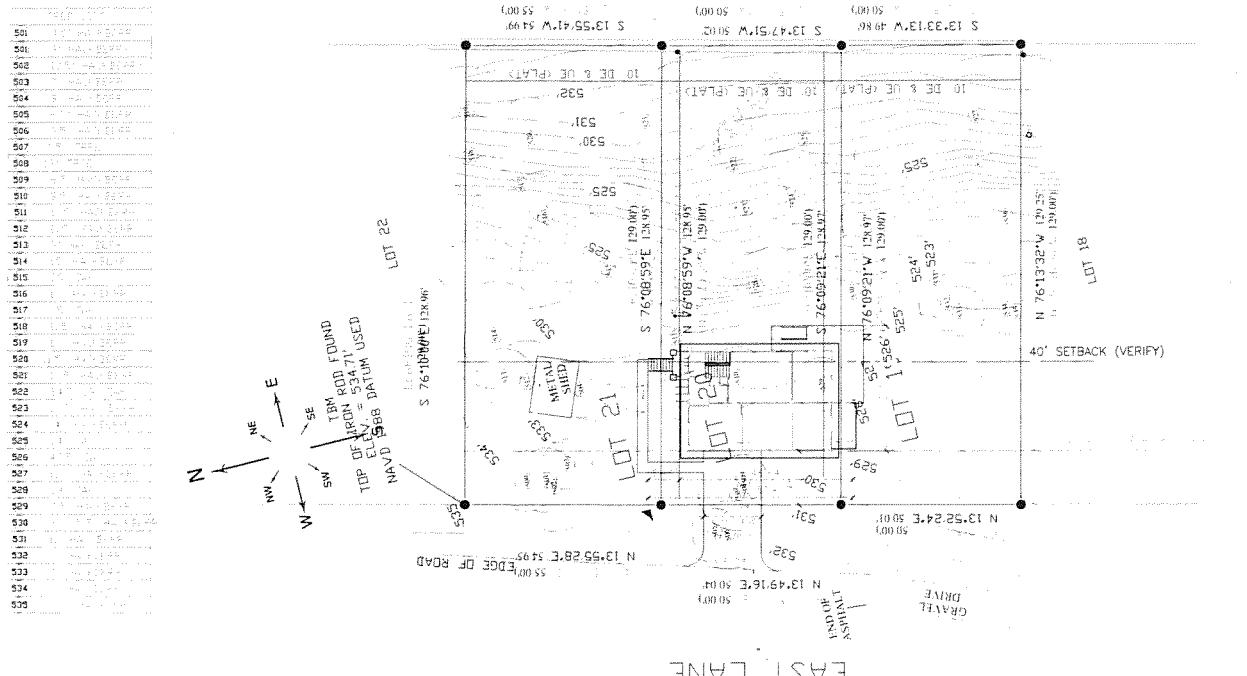
City code requires that proposed developments demonstrate that trees are preserved to the maximum extent reasonable and feasible. Tree preservation is effectively defined as root system preservation; a Critical Root Zone Area (CRZ) is assigned to each tree, based on trunk diameter size. A minimum of 50% of the CRZ is required to be left undisturbed to achieve minimal conformance with the regulations.

Trees are depicted on plans with a CRZ circle centered on the tree base location (i.e. a twenty inch diameter tree is represented by a 40 foot diameter circle). The formula is: Tree diameter in inches X 2, then convert to feet = CRZ diameter. The CRZ circles are superimposed on the proposed plan improvements so that review staff can discern the extent of disturbance proposed near existing trees. Tree types and sizes are also provided. Trees which are removed are generally required to be replaced at a sliding ratio determined in part by the overall extent of tree removal proposed.

### The Critical Root Zone - Development Impact Zones

*Example: 20 inch diameter tree*





LEGEND

THE STATE OF TEXAS

COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS, that we, Charles Q. Hard and wife, Loretta L. Hard, of the County of Travis, State of Texas, hereinafter referred to as GRANTORS, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration paid by A. C. Brodnax of Harris County, Texas, hereinafter referred to as GRANTEE, the receipt of which is hereby acknowledged and for the payment of which no lien, either express or implied, is retained, have SOLD, GRANTED, and CONVEYED, and by these presents do SELLS, GRANT, and CONVEY unto A. C. Brodnax, all of the following described property owned situated in Travis County, Texas, to wit:

Lot Number Twenty-Three (23) of Lake Austin Village Subdivision, in Travis County, Texas, according to the map or Plat thereof recorded in Book 19, Page 38, of the PLAT Records of Travis County, Texas.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in any wise belonging unto the said grantee, his heirs and assigns forever. And we do hereby bind ourselves, our heirs, executors and administrators to WARRANT AND FOREVER DEFEND, all and singular, the said premises unto the said GRANTEE, his heirs and assigns, against every person whatsoever lawfully claiming or to claim the same or any part thereof. This conveyance, however, is made subject to all valid easements affecting the use of said property as this date reflected by the records of Travis County, Texas, and is subject to the following restrictions affecting the use of the property herein conveyed to wit:

1. No building shall be erected or maintained on any lot in said subdivision other than a private residence and a private garage for the sole use of the owner or occupant.
2. No old, used, existing building or structure of any kind nor any part of an old, used, existing building or structure shall be moved on, placed on, or permitted to remain on any lot. All construction shall be of new material.
3. No house trailers shall be placed on any lot, either temporarily or permanently. No temporary shacks or structures will be placed on any lot.

DEED RECORDS  
Travis County, Texas

V.2833 pg 5

4. Any residence placed on lots 1 through 7; lots 33 through 36; lots 25 through 28, and lots 18 through 24, shall have a minimum of 650 sq.ft. of floor area exclusive of porches, stoops, balconies, open or closed carports, patios or garages. Any residence placed on lots 8 through 17, and lots 29 through 32 shall have a minimum of 800 sq.ft. of floor area exclusive of porches, stoops, balconies, open or closed carports, patios, or garages.
  5. No building shall be erected, placed, or altered on any lot until the construction plans and specifications are approved by the Architectural Control Committee. This approval will be in writing and one copy of the plans and specifications will remain on file.
  6. The Architectural Control Committee is composed of 3 members appointed by Charles G. Hard.
  7. Minimum setback lines shall be as follows: Non residential structure shall be located nearer the front line than 15 ft., or nearer the side street line than 10 ft., nor nearer the side on rear lot line than 5 ft. Detached garages, carports, and storage buildings may be located within 3 ft. of side line and within 5 ft. of rear lot line. The exception being lot 36, on which there is an existing structure. Construction must be completed within one year after starting.
  8. No fence shall be permitted to extend nearer to any street than the setback lines indicated above.
  9. No animals or birds, other than household pets shall be kept on any lot.
  10. No noxious or offensive trade or any other activity shall be permitted on any lot that may be or become an annoyance to the neighborhood.
  11. No structures, wires, poles, or other obstructions shall be located in violation of any such easements indicated on the plot.
  12. No sign of any kind shall be displayed to the public view on any lot other than one sign of not more than 5 sq. ft. advertising the property for sale or rent, or situated by the builder to advertise the property during construction and sales periods.
  13. No outside toilet or privy shall be erected or maintained in the subdivision. All sanitary privations shall conform with the minimum requirements of the Health Department of Travis County and the State of Texas.
  14. No lot in this subdivision shall be sold to, or resold upon, other than members of the Caucasian race.
- Said restrictions are to run with the land and are to be binding upon and observed by GRANTEE, his heirs and assigns, and may be enforced by any person owning an interest in any of the property situated in Lake Austin Village Subdivision. If any person or persons shall violate or attempt to violate these restrictions, it shall be lawful for any person owning any interest in Lake Austin Village Subdivision

DEED RECORDS Tru 2833 pg 6

to prosecute proceedings at law or in equity against the person or persons violating or attempting to violate said restrictions, or any of them, either to prevent him or them from so doing or to correct such violations and to recover damages or other relief for such violation or violations.

Witness our hands at Austin, Texas, this 31<sup>st</sup> day of August, 1964,

Charles G. Hard

CHARLES G. HARD

Loretta L. Hard

LORETTA L. HARD

THE STATE OF TEXAS

COUNTY OF TRAVIS

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Charles G. Hard and Loretta L. Hard, his wife, both known to me to be the person whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purpose and consideration therein expressed, and the said Loretta L. Hard, wife of the said Charles G. Hard, having been examined by me privately and apart from her husband, and having the same fully explained to her, she declared that she had willingly signed such instrument to her and deed and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS the 31<sup>st</sup> day of August, 1964.

NOTARY SEAL

Charles G. Hard

Charles G. Hard

Notary Public in and for  
Travis County, Texas

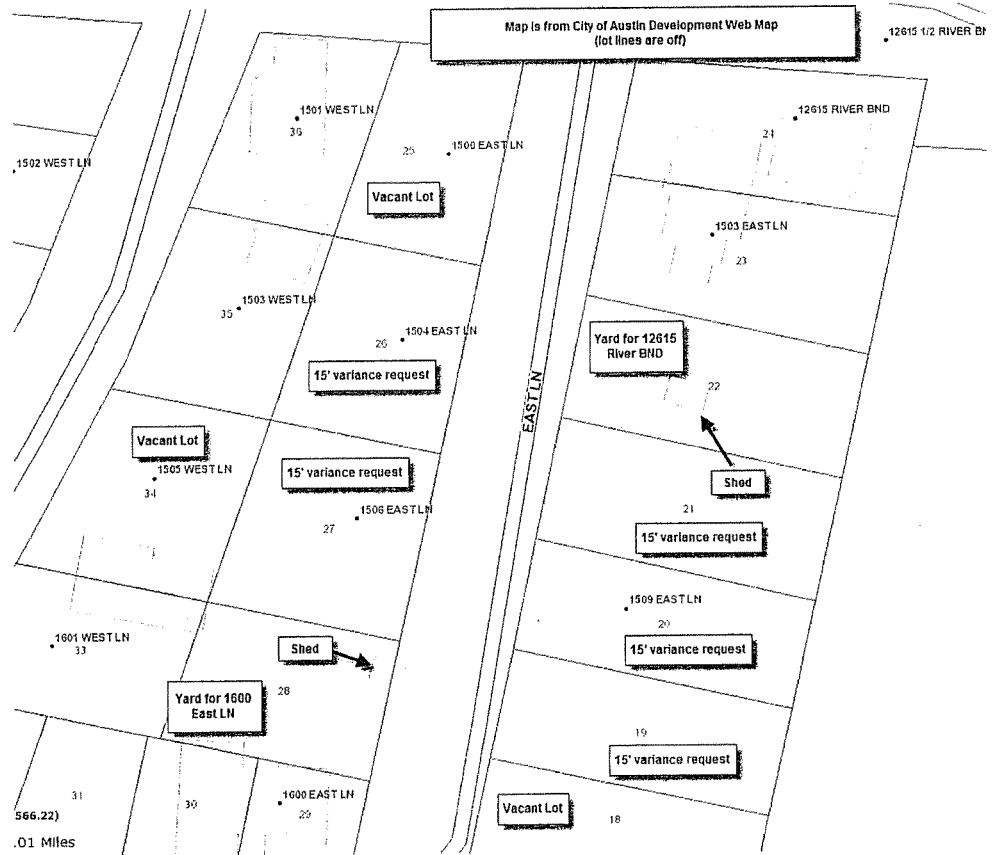
FEB 1 1965  
CLERK OF THE  
TRAVIS COUNTY TEXAS  
NOTARY PUBLICS

DEED RECORDS  
Travis County, Texas

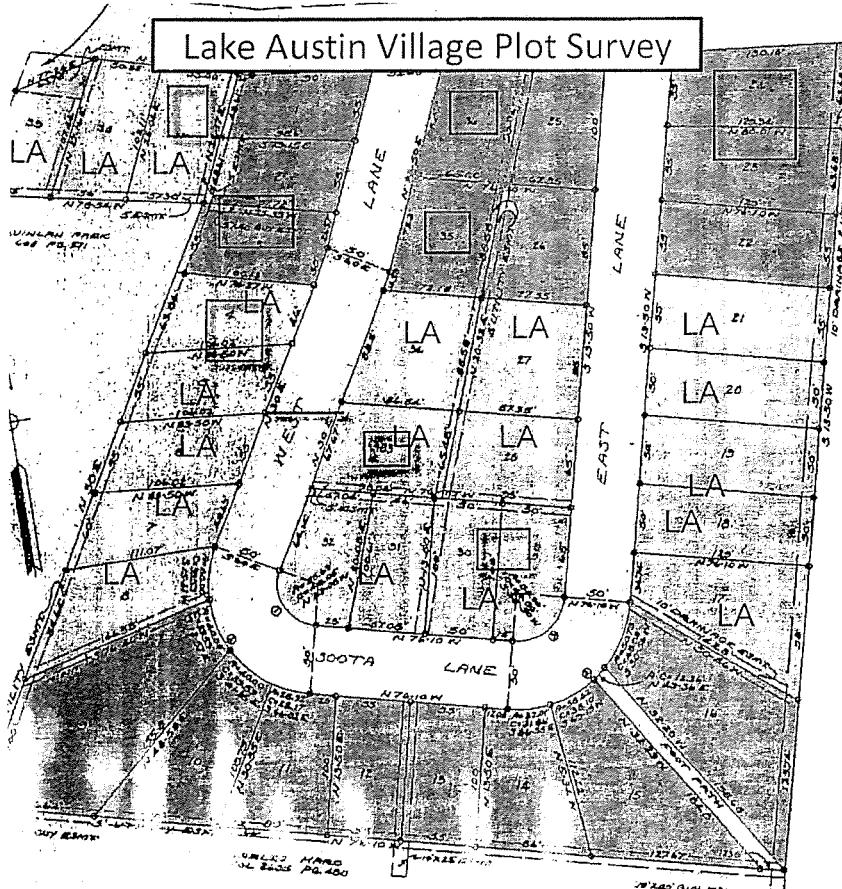
inv:2633 rec 7 ( cont )



# Existing Structures on adjacent Lots



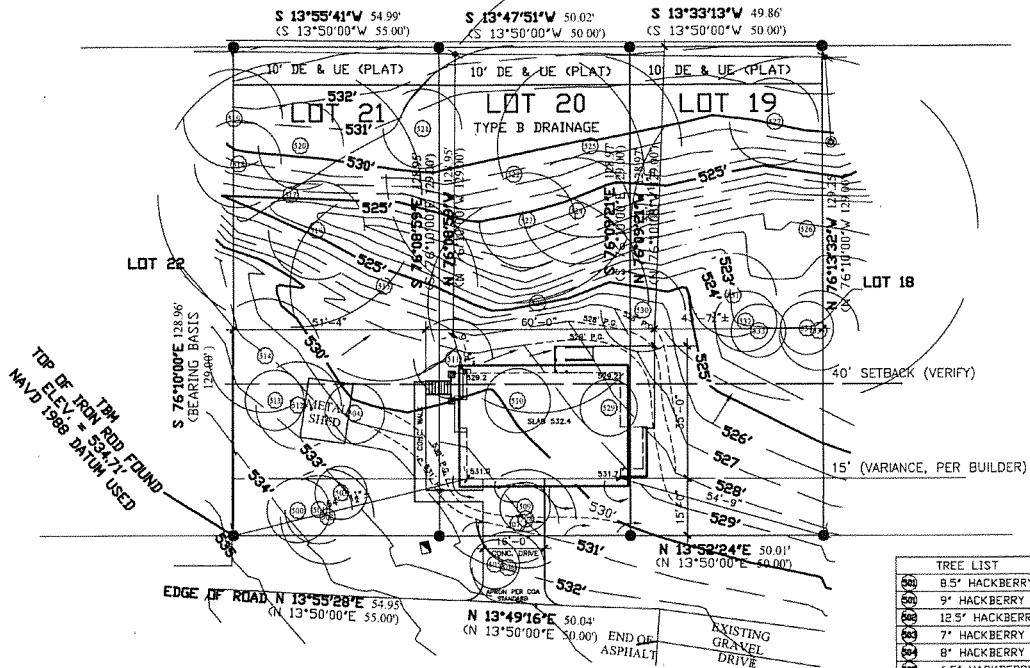
## LA Zoning is arbitrary in this neighborhood



- Lots in yellow are zoned LA
- Lots in green are zoned SF-2

LEGEND

- 1/2" ROD FOUND
- RECORD INFORMATION
- WATER METER
- ▲ UTILITY POLE
- DH OVERHEAD UTILITY LINE(S)
- ◎ DOWN GUY
- WIRE FENCE
- CHAIN LINK FENCE
- DE DRAINAGE ESMT
- UE PUBLIC UTILITY ESHT

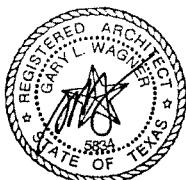


1509 EAST LANE  
(50' R.O.W.)

IMPERVIOUS COVER:

LOT SIZE: 19990.29

|            |         |       |
|------------|---------|-------|
| FOOTPRINT: | 1575.16 | 7.88% |
| SIDEWALK:  | 140.45  | .70%  |
| DRIVE:     | 240.00  | 1.20% |
| A/C PAD:   | 9.00.   | .04%  |
| TOTAL:     | 1964.61 | 9.82% |

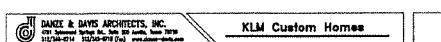


APR 28 2015

| 185431             |
|--------------------|
| REVISIONS          |
| DATE SUBMIT DESC   |
| 4-23-15 000JC PLOT |
|                    |
|                    |
|                    |
|                    |
|                    |
|                    |
|                    |
|                    |
|                    |

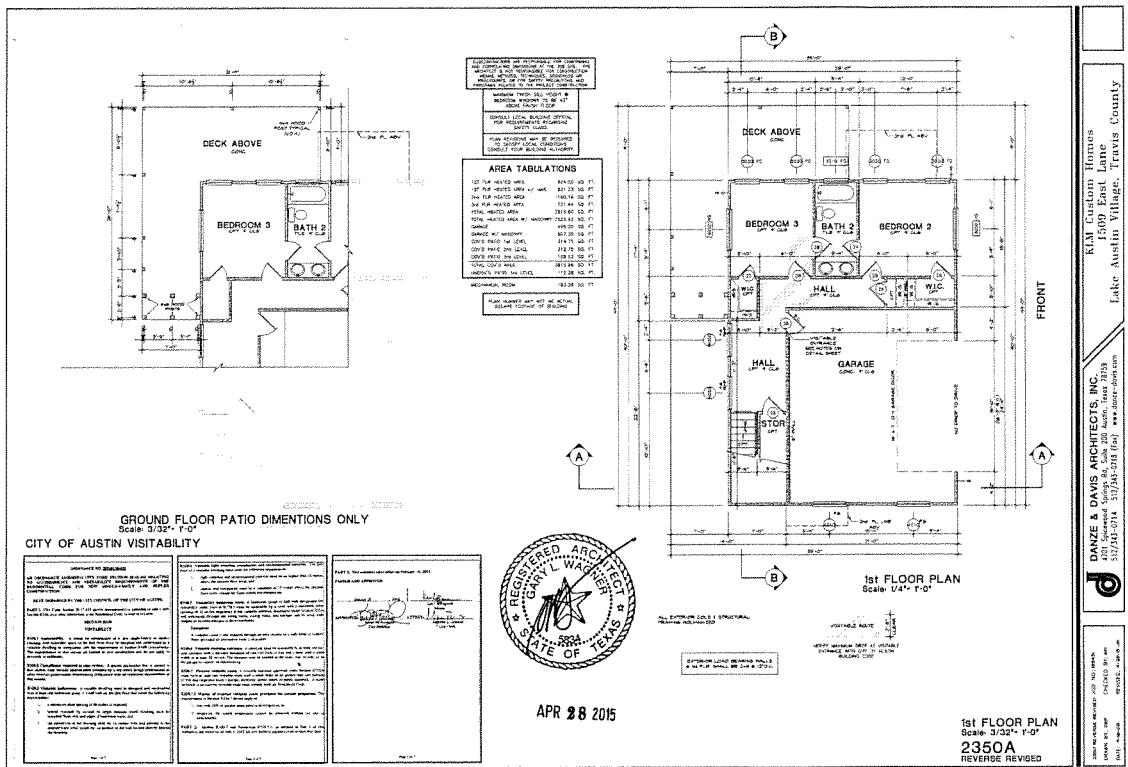
## LAKE AUSTIN VILLAGE

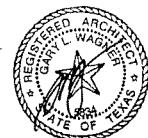
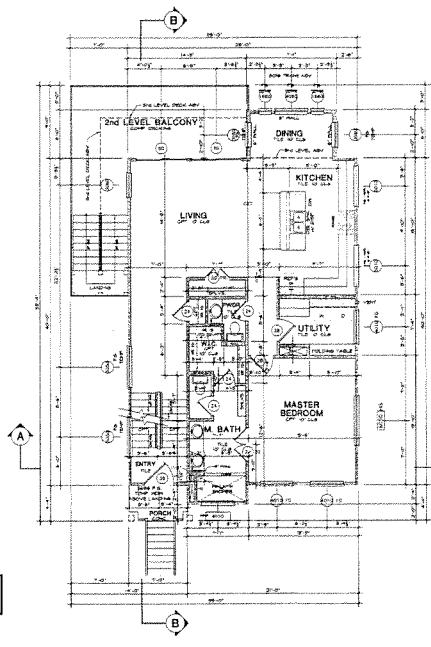
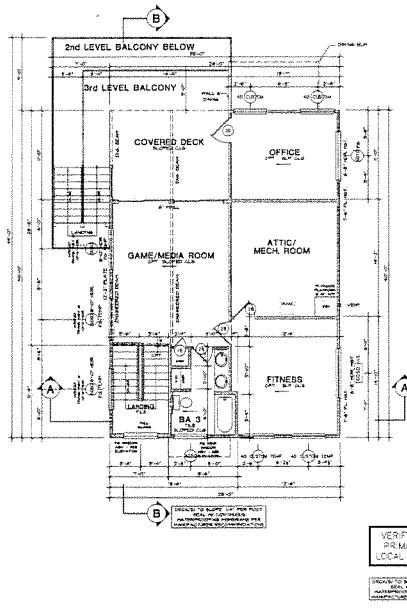
SCALE: 1" = 30'



Copyright DANZE & DAVIS Inc. These drawings and the ideas herein are the property of the ARCHITECT and may not be used without his express permission.

PLAN: 2350 Revised  
ADDRESS: 1509 EAST LANE  
LOT: 19, 20, 21  
BLOCK: -  
Austin, Texas

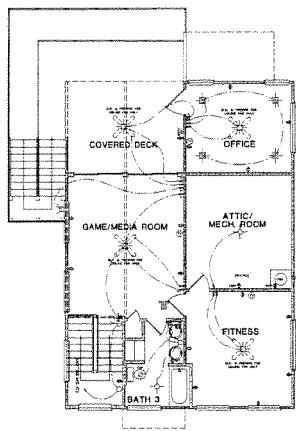
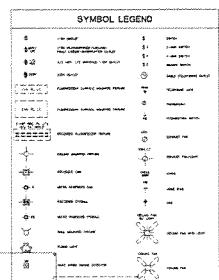




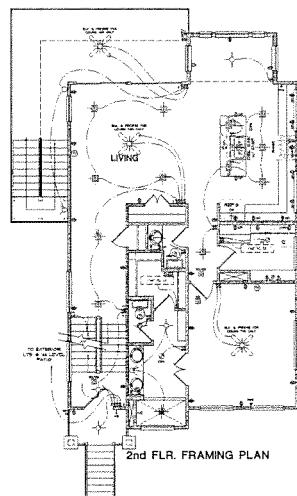
APR 28 2015  
FLOOR PLANS  
Scale 3/8" = 1'-0"  
2350A  
REVERSE REVISED



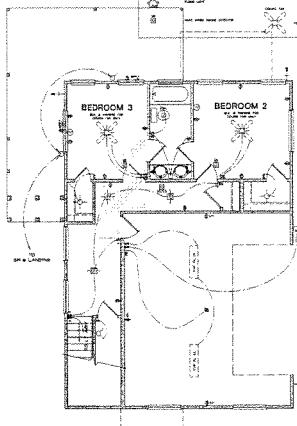
APR 28 2015



3rd FLR. FRAMING PLAN

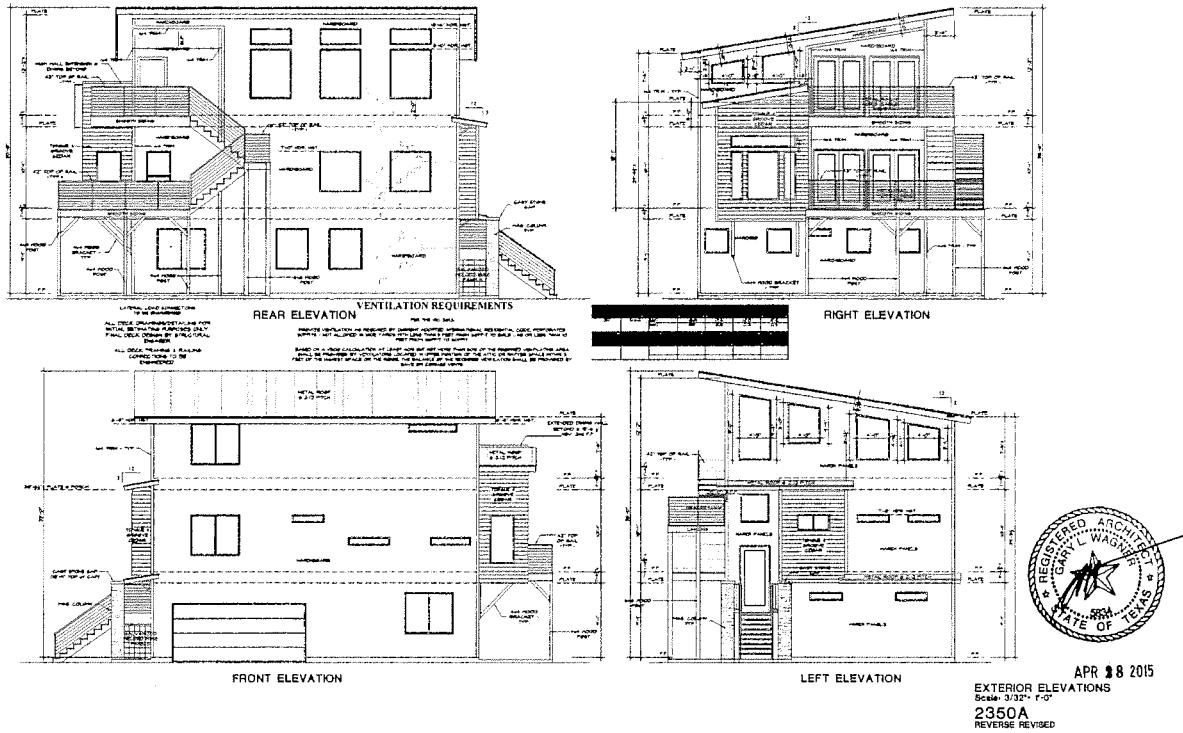


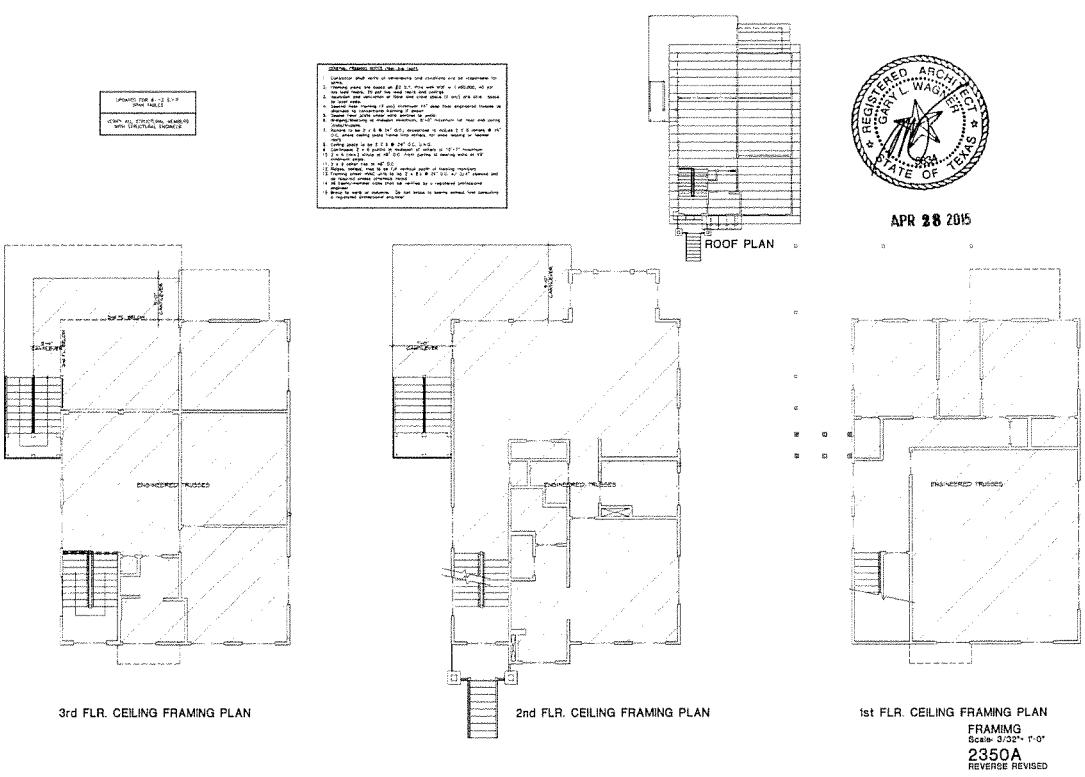
2nd FLR. FRAMING PLAN

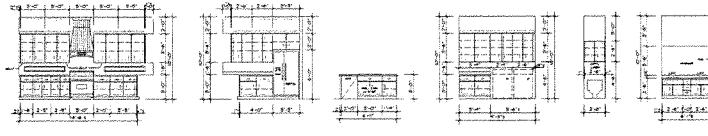


1st FLR. FRAMING PLAN

ELECTRICAL PLANS  
Scale 1/2" = 1'-0"  
2350A  
REVERSE REVISED





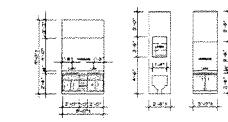


KITCHEN

ISLAND

UTILITY

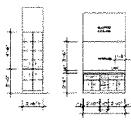
M. BATH



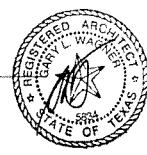
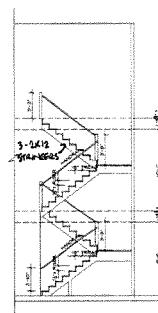
BATH 2



POWDER

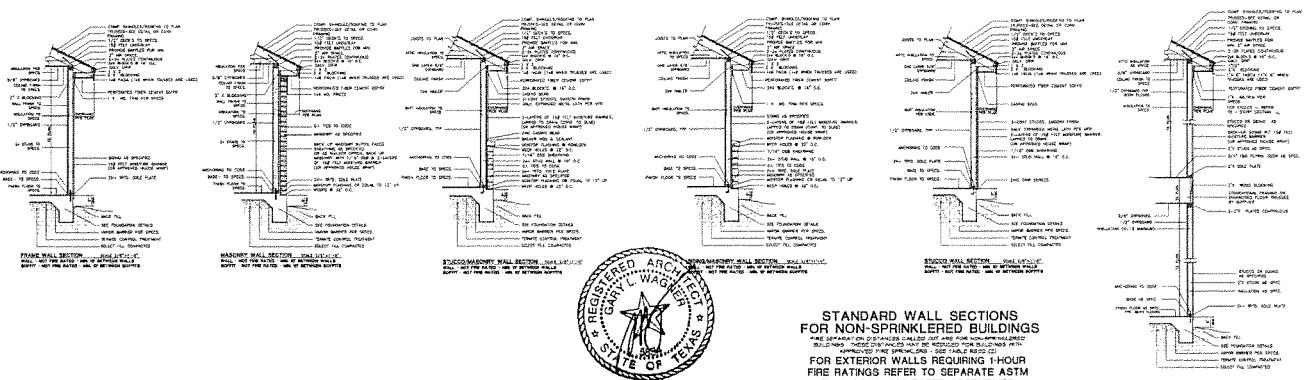


BATH 3



APR 28 2015  
CABINETS  
Scale: 3/32" 1'-0"  
2350A  
REVERSE REVISED

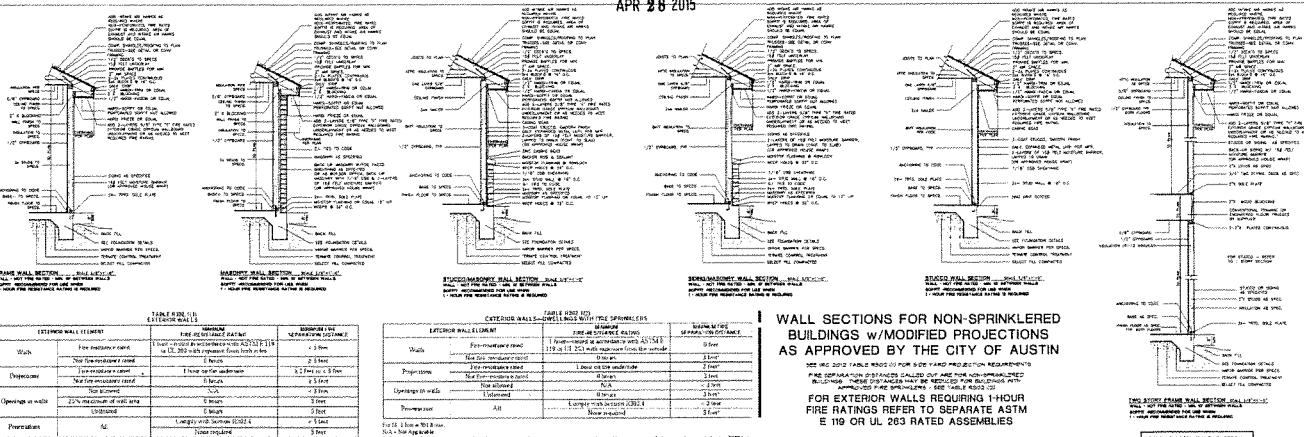




**STANDARD WALL SECTIONS  
FOR NON-SPRINKLERED BUILDINGS**

FOR EXTERIOR WALLS REQUIRING 1-HOUR  
FIRE RATINGS REFER TO SEPARATE ASTM  
E 119 OR UL 263 RATED ASSEMBLIES

APR 28 2015



**WALL SECTIONS FOR NON-SPRINKLERED  
BUILDINGS w/MODIFIED PROJECTIONS  
AS APPROVED BY THE CITY OF AUSTIN**

FOR EXTERIOR WALLS REQUIRING 1-HOUR  
FIRE RATINGS REFER TO SEPARATE ASTM  
E 119 OR UL 263 RATED ASSEMBLIES

CONSIDER LOCAL BUILDING OFFICIAL  
FOR SPECIFIC REQUIREMENTS  
THE RATING

DETAILS  
Scale: AS NOTED

| TABLE R302.1<br>EXTENDED WALLS |  |  |
|--------------------------------|--|--|
| ESTIMATED WALL ELEMENT         | MAX. HEIGHT & FATH.<br>OR SPAN                   | MINIMUM FIRE<br>SEPARATION DISTANCE        |
| Wall                           | 1 hour fire resistance rating<br>as per IBC 2012 | 2 feet                                     |
| One two-story frame            | 2 hours  | 2 feet                                     |
| Two three-story frame          | 3 hours  | 2 feet                                     |
| Depression                     | 1 hour fire resistance rating<br>as per IBC 2012 | 3.75' or 6.5' feet                         |
| Openings in walls              | 8 inches   | 2 feet                                     |
| 25% reduction of wall area     | 8 inches   | 2 feet                                     |
| Unloaded                       | 8 inches   | 2 feet                                     |
| Porches                        | All  | Length of porch 30'2" or<br>30'2" + 1 foot |

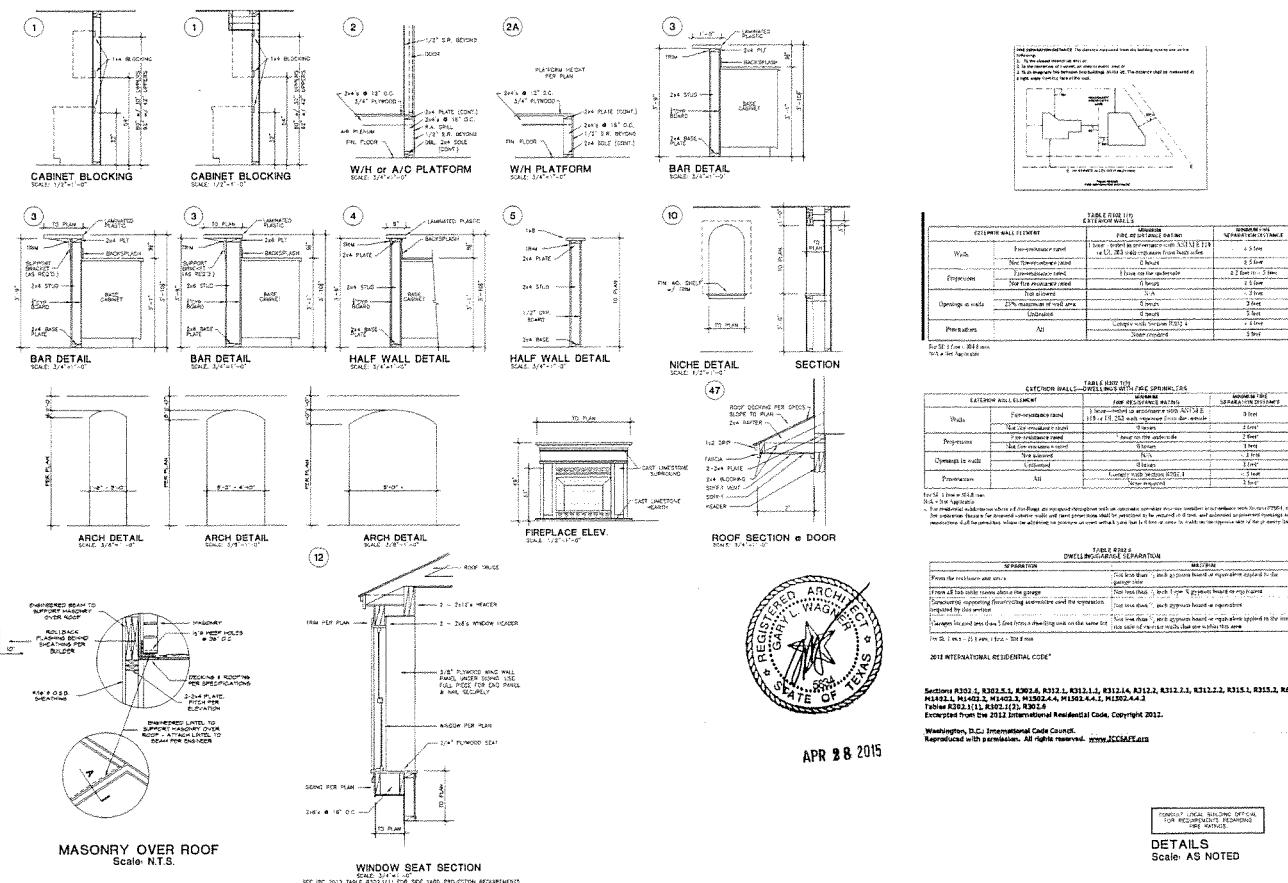
| TABLE R302.1<br>EXTENDED WALLS w/PIPE SPRINKLERS |  |  |
|--|--|--|
| EXTENDED WALL ELEMENT                            | MAX. HEIGHT & FATH.<br>OR SPAN                   | MINIMUM FIRE<br>SEPARATION DISTANCE        |
| Wall   | 1 hour fire resistance rating<br>as per IBC 2012 | 0 feet                                     |
| For projections rated                            | 1 hour or more                                   | 0 feet                                     |
| For recessed recessed                            | 1 hour or more                                   | 2 feet                                     |
| Projections                                      | N/A  | 2.5' feet                                  |
| Openings in walls                                | Unloaded   | 2 feet                                     |
| Porches  | All  | Length of porch 30'2" or<br>30'2" + 1 foot |

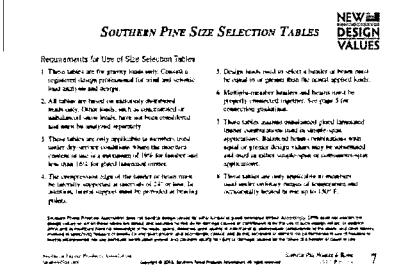
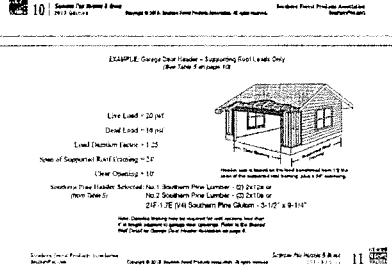
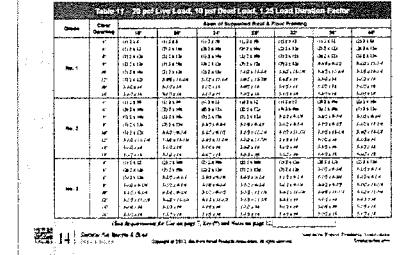
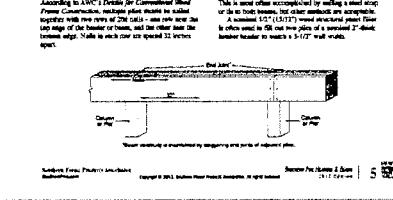
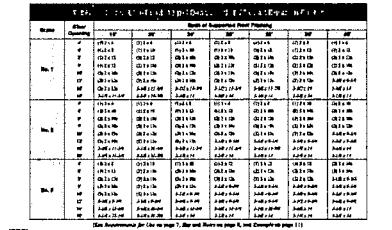
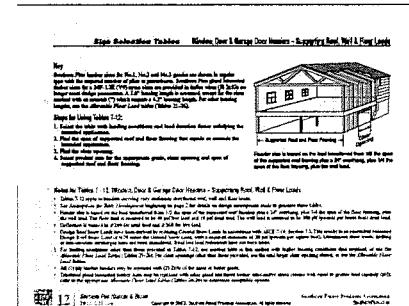
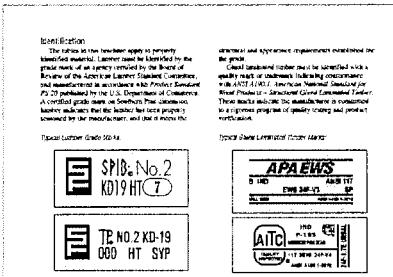
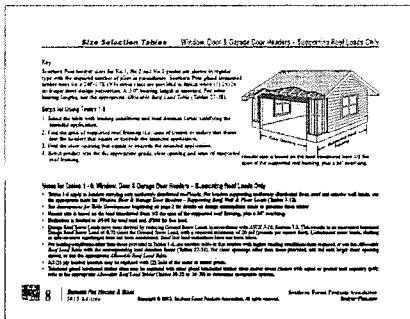
FIG 302.1 Non-Residential  
Tables R302.1(1), R302.1(2), R302.1(3)

Described from the 2012 International Residential Code, Copyright 2012.

Washington, D.C.: International Code Council.

Reproduced with permission. All rights reserved. [www.ICCafe.org](http://www.ICCafe.org)





REPRODUCED WITH PERMISSION - COPYRIGHT 2013. SOUTHERN FOREST PRODUCTS ASSOCIATION. ALL RIGHTS RESERVED  
[www.southernpine.com](http://www.southernpine.com)

APPENDIX

**DETAILS**  
Scale AS NOTED